

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF

Cathy Wiss for Council
Mary Alice Levine, Treasurer
3804 Alton Place, NW
Washington, D.C. 20016

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DATE: April 25, 2008

DOCKET NO.: 08C-12

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division that the Cathy Wiss for Council Principal Campaign Committee (hereinafter respondent committee), for whom Mary Alice Levine serves as treasurer (hereinafter respondent treasurer), failed to timely file, on or before January 31, 2008, a January 31, 2008 Report of Receipts and Expenditures (hereinafter January 31, 2008 Report), as required by D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated March 25, 2008, OCF ordered the respondent treasurer to appear at a scheduled hearing on April 4, 2008; and, show cause why the respondent committee should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. and fined accordingly.

Summary of Evidence

OCF has alleged that the respondent committee failed to timely file a January 31, 2008 Report in violation of D.C. Official Code §1-1102.06(a).

On April 1, 2008, the respondent treasurer submitted a hard copy of a January 31, 2008 Report which was filed electronically on March 31, 2008, accompanied by a notarized statement in lieu of appearing at the scheduled hearing. In her written submission, the respondent treasurer stated that she inadvertently failed to timely submit the report because she did not receive a reminder notice from OCF that is typically mailed to committee treasurers. She additionally stated that she submitted the report electronically immediately after she received the Notice of Hearing, Statement of Violations and Order of Appearance from OCF on March 31, 2008.

IN THE MATTER OF: Cathy Wiss for Council
Page 2

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent committee was required to file a January 31, 2008 Report on or before January 31, 2008 in accordance with D.C. Official Code §1-1102.06(a).
2. Respondent committee did not timely file a January 31, 2008 Report with OCF.
3. Respondent treasurer electronically filed a January 31, 2008 Report with OCF on March 31, 2008.
4. Respondent committee has no prior history of non-compliance with OCF filing requirements.
5. Respondent committee is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent committee violated D. C. Official Code §1-1102.06(a).
2. The penalty established at D. C. Official Code §1-1103.5(b) (3), 3DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a January 31, 2008 Report required by D.C. Official Code §1-1102.06 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.5(b) (3), the respondent committee may be fined a maximum of \$2,000.00 for failing to timely file a January 31, 2008 Report.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer's explanation and submission of the report in question immediately after receiving notice of the delinquency warrants favorable consideration.

IN THE MATTER OF: Cathy Wiss for Council
Page 3

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine in this matter.

Date

William O. SanFord
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine in this matter is hereby suspended.

Date

Cecily Collier- Montgomery
Director

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This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

IN THE MATTER OF: Cathy Wiss for Council
Page 4

NOTICE

Pursuant to 3 DCMR § 3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

April Williams
Clerk